

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1062 - SB 1349

April 5, 2021

**SUMMARY OF ORIGINAL BILL:** Revises the meaning of intellectual disability. Authorizes a defendant who has been sentenced to the death penalty prior to the effective date of the legislation and whose conviction is final on direct review to petition the trial court for a determination of whether the defendant is intellectually disabled. Authorizes either party to appeal the trial court's decision in accordance with Rule Three of the Tennessee Rules of Appellate Procedure.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (006596):** Deletes and replaces all language after the enacting clause such that the only substantive changes are to: (1) revise the definition of the term "intellectual disability" to mean significantly subaverage general intellectual function; deficits in adaptive behavior; and the intellectual disability must have manifested during the developmental period, or by 18 years of age; and (2) prohibit a defendant from filing a motion under this proposed legislation, as amended, if the issue of whether the defendant has an intellectual disability has been previously adjudicated on merits.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 39-13-203(b), no defendant with intellectual disability at the time of committing first degree murder shall be sentenced to death.
- In the event a court determines that a defendant sentenced to death prior to effective date of this legislation is intellectually disabled, the cost associated with executing the defendant could be avoided; however, costs associated with imprisoning the defendant for life would be incurred. The net effect of such future events cannot be determined with reasonable certainty; however, any net impact resulting from prohibiting the death penalty in the outlined circumstances is estimated to be not significant.
- Any impact to the operations of the courts, public defenders, and district attorneys will be absorbed utilizing existing resources.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

Krista Lee Carsner, Executive Director

/mj